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August 8, 1997

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Mr. William Caton, Secretary
FEDERAL COMMUNICATIONS COMMISSION
1919 M Street, NW, Room 222
Washington, DC 20554

RE: Aurio Matos, Permittee of FM Station WXZX,
Culebra, PR
Petition for Rulemaking

Dear Mr. Caton:

Transmitted herewith on behalf of Aurio Matos, permittee of FM Station WXZX, Culebra, PR, is an original and four copies of a Petition for Rulemaking. If there is any question concerning this Petition, please contact the undersigned.

Sincerely yours,

Scott C. Cinnamon / EJA

Scott C. Cinnamon

SCC:st
Enclosure

cc: Mr. Aurio Matos

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GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS DOCKET FILE COPY ORIGINAL

PETITION FOR RULE MAKING
AURIO A. MATOS
WXZX RADIO STATION
ALLOT CHANNEL 254B1
CULEBRA, PUERTO RICO
August 1997

TECHNICAL EXHIBIT

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PETITION FOR RULE MAKING
AURIO A. MATOS
WXZX RADIO STATION
ALLOT CHANNEL 254B1
CULEBRA, PUERTO RICO
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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

TECHNICAL STATEMENT

1. This technical statement and attached exhibits were prepared on behalf of Aurio A. Matos ("Matos"), permittee of station WXZX, Channel 254A, Culebra, Puerto Rico.¹ Matos herein requests an amendment of §73.202(b) of the Commission's rules by allotting Channel 254B1 to Culebra, Puerto Rico, and further requests that WXZX be ordered to change Class. In order to accommodate his request, Matos also requests the substitution of Channel 248A for the vacant, but applied for, Channel 253A at Frederiksted, Virgin Islands, and the substitution of Channel 253B for Channel 254B at Mayaguez, Puerto Rico. Matos requests the applicant for Channel 253A at Frederiksted be ordered to amend its application to specify Channel 248A in lieu of Channel 253A and that WKJB-FM be ordered to change channels at Mayaguez. The allotment of Channel 254B1 will provide expanded service to Culebra.

BACKGROUND

2. WXZX was ordered to Channel 254A in MM Docket #91-259. Numerous other facilities in and around Puerto Rico were also relocated to new channels/communities of license as part of the changes ordered in this docket. While the changes in Docket #91-259 have become final, the facilities ordered to move have not, to date, implemented the changes. Where appropriate we have noted those stations which have been ordered to relocate to new channels/communities, which, in turn, makes the upgrade sought herein possible.

1) WXZX was ordered to change from Channel 293A to Channel 254A in MM Docket #91-259.

ALLOCATIONS REQUEST

3. Channel 254B1 can be allotted to Culebra, Puerto Rico, with a site restriction of 2.5 kilometers north-northwest of the community at North Latitude 18° 19' 37" and West Longitude 65° 18' 21".² Exhibit #1 is a usable area map for Channel 254B1 at Culebra, Puerto Rico. Exhibit #2 is a §73.207 allocation study which demonstrates Channel 254B1 meets the Commission's minimum distance separation requirements to all other licensed, applied for or proposed facilities (with the exception of the vacant, but applied for Channel 253A allocation at Frederiksted, Virgin Islands, and the reserved allocation for WKJB-FM on Channel 254B at Mayaguez, Puerto Rico, as detailed further below).

4. Channel 248A can be allotted to Frederiksted, Virgin Islands, at North Latitude 17° 42' 48" and West Longitude 64° 53' 00". Exhibit #3 is a §73.207 allocation study which demonstrates Channel 248A meets the Commission's minimum distance separation requirements to all other licensed, applied for or proposed facilities. Exhibit #4 shows Channel 248A also meets the requirements of §73.207 from the site specified in the Sky Broadcasting Company application for Channel 253A at Frederiksted, Virgin Islands (file #BPH-960605ME).

5. Channel 253B can be allotted to Mayaguez, Puerto Rico, at the present WKJB-FM site at North Latitude 18° 09' 05" and West Longitude 66° 59' 19". Exhibit #5 is a §73.207 allocation study which demonstrates Channel 253B meets the Commission's minimum distance separation requirements to all other licensed, applied for or proposed facilities with the exception of two applicants for Channel 251A at Santa Isabel, Puerto Rico. The applicants in questions are Peace Broadcasting Network (ARN-950907MC) and New Impact Educational Broadcasting

2) No actual site restriction is necessary, however, this is a site to which Matos is presently planning to relocate WXZX. An application to make minor changes in the authorized permit for WXZX is presently being prepared.

(ARN-950908MC). As can be seen on Exhibit #6, these same two applicants are prohibitively shortspaced to the Channel 254B allocation at Mayaguez, Puerto Rico. Therefore, the spacing is not affected as a result of the change in channel from 254B to Channel 253B.³

6. Therefore, Matos requests the Commission amend §73.202(b) as follows:

Culebra, Puerto Rico

<u>Present</u>	<u>Proposed</u>
254A	254B1

Frederiksted, Virgin Islands

<u>Present</u>	<u>Proposed</u>
253A, 269B1, 278A	248A, 269B1, 278A

Mayaguez, Puerto Rico

<u>Present</u>	<u>Proposed</u>
231B, 248B, 254B	231B, 248B, 253B

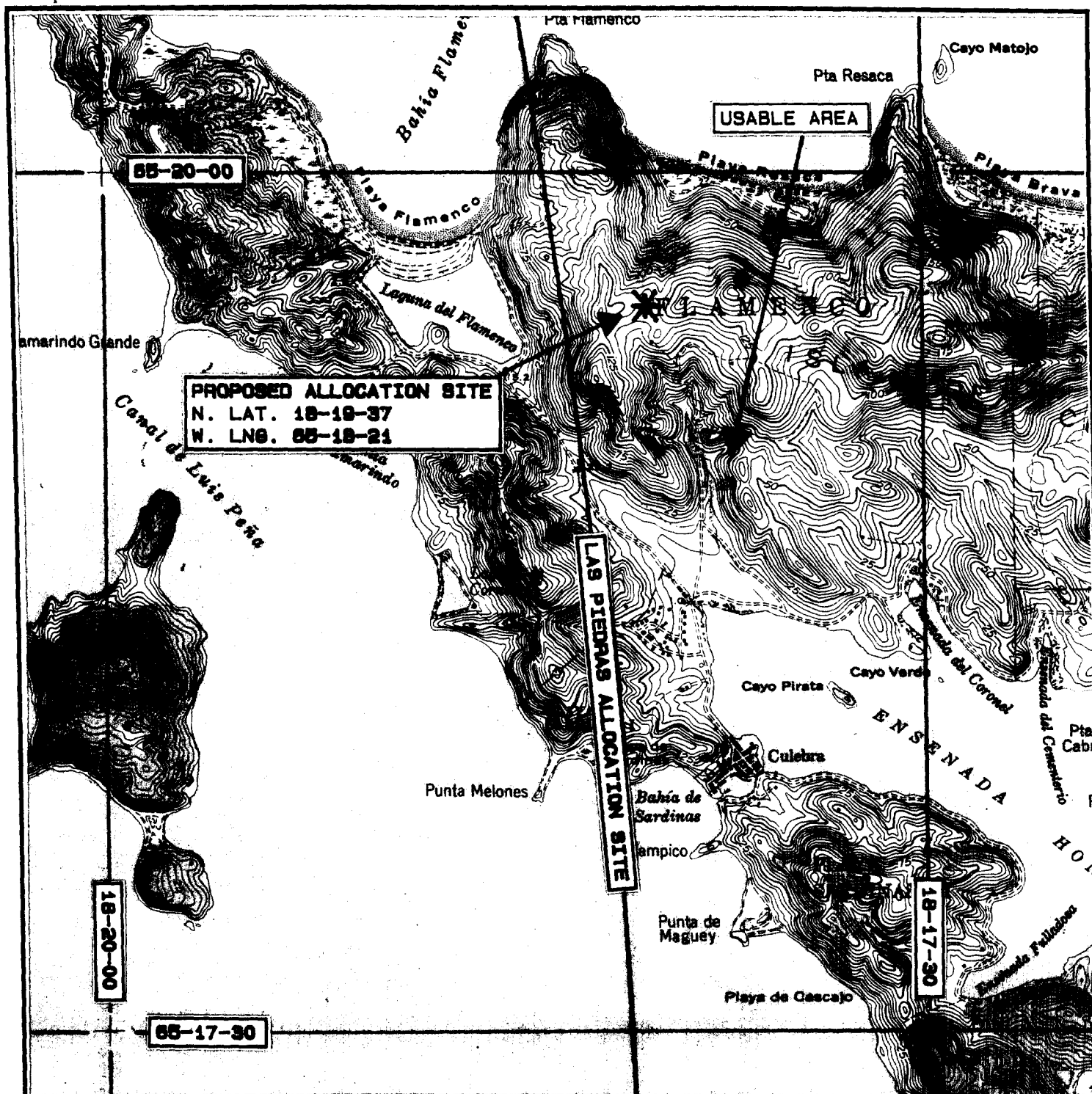
PUBLIC INTEREST ASPECTS

7. An upgraded allotment at Culebra, Puerto Rico, will provide the first expanded area service for the 707 persons. A maximum Class B1 facility from the proposed reference site would provide 1.0 mV/m service to 129,997 persons. This represents an increase of 60,865 persons over those who will receive service from the outstanding WXZX construction permit.

3) It is further noted that both applicants violate §73.215 of the Commission's rules with respect to Channel 254B at Mayaguez. §73.215 allows a maximum shortspace of 67.0 kilometers for second or third adjacent Class A to Class B stations. The Peace Broadcasting Network site is only 58.65 kilometers from the Channel 254B allocation site. The New Impact Educational Broadcasting site is only 64.46 kilometers from the Mayaguez Channel 254B allocation site. Neither application can be granted as a result of this deficiency. Therefore, the Channel 253B allocation proposal is not impacted by either applicant.

8. When Channel 254B1 is allotted to Culebra, Puerto Rico, Matos will file an application, FCC Form 301, on a timely basis for authorization to construct and operate WXZX on Channel 254B1 at Culebra, Puerto Rico.

9 The foregoing technical statement was prepared on behalf of Aurio A. Matos, by Graham Brock, Inc., his Technical Consultants. All information contained herein is true and accurate to the best of our belief and knowledge. All data relating to FM facilities was extracted from the NTIA database, updated on August 1, 1997. We assume no liability for errors or omissions in that database which may be adverse to the request contained herein.



USABLE AREA CHANNEL 254 B1

MAP IS A PORTION OF THE 1: 30, 000
SCALE MAP "CULEBRA AND ADJACENT
ISLAND, PUERTO RICO"

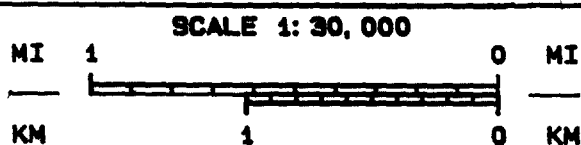


EXHIBIT #1
PETITION FOR RULE MAKING
AURIO A. MATOS
WXZX RADIO STATION
ALLOT CHANNEL 254B1
CULEBRA, PUERTO RICO
August 1997

GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

ALLOCATION STUDY FOR CULEBRA, PUERTO RICO
USING PROPOSED ALLOCATION SITE AS REFERENCE

REFERENCE	CLASS B1	DISPLAY DATES
18 19 37 N	Current rules spacings	DATA 08-01-97
65 18 21 W	CHANNEL 254 - 98.7 MHz	SEARCH 08-01-97

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
AD254	254B1	Culebra	PR	0.0	0.00	175.0	-175.00
AD	18 19 37	65 18 21	0.000 kW	OM	0.0	108.8	
Aurio A. Matos							
* WSAN	255B	Vieques	PR	82.5	0.47	145.0	-144.53
LI CN	18 19 39	65 18 05	50.000 kW	229M	0.3	90.1	
Carlos J. Colon Ventura BLH-911210KB							
>to Channel 252A, Las Piedras, PR, per MM Docket #91-259							
WXZX.C	254A	Culebra	PR	223.5	1.15	143.0	-141.85
CP CN	18 19 10	65 18 48	6.000 kW	166M	0.7	88.9	
Aurio A. Matos BPH-911114MS							
ALOPEN	254A	Culebra	PR	169.8	2.47	143.0	-140.53
AL N	18 18 18	65 18 06	0.000 kW	OM	1.5	88.9	
MM Docket #91-259 Reserved for WXZX							
* WPRMFM	253B	San Juan	PR	253.3	82.41	145.0	-62.59
LI CN	18 06 45	66 03 07	25.000 kW	582M	51.2	90.1	
Arso Radio Corporation BLH-5837							
>to Channel 256B per MM Docket #91-259							
* ALOPEN	254B	Mayaguez	PR	264.0	179.03	211.0	-31.97
AL N	18 09 05	66 59 19	0.000 kW	OM	111.3	131.1	
MM Docket #91-259 Reserved for WKJB-FM							
>Requested move to Channel 253B - Aurio A. Matos							
* ALOPEN	253A	Frederiksted	VI	146.7	81.32	96.0	-14.68
AL N	17 42 48	64 53 00	0.000 kW	OM	50.5	59.7	
MM Docket #91-259 Window Closed 09/0795 FCSF Allocation							
>Requested move to Channel 248A - Aurio A. Matos							
* AP253	253A	Frederiksted	VI	147.4	83.02	96.0	-12.98
AP CN	17 41 44	64 52 57	6.000 kW	-5M	51.6	59.7	
Sky Broadcasting Company BPH-960605ME							
>Requested move to Channel 248A - Aurio A. Matos							
ALOPEN	252A	Las Piedras	PR	262.6	48.33	48.0	0.33
AL N	18 16 14	65 45 33	0.000 kW	OM	30.0	29.8	
MM Docket #91-259 Reserved for WSAN							
WSAN.A	252A	Las Piedras	PR	268.0	51.72	48.0	3.72
AP CN	18 18 36	65 47 41	0.320 kW	851M	32.1	29.8	
Carlos J. Colon Ventura BPH-950807IG							
ALOPEN	256B	San Juan	PR	253.3	82.41	71.0	11.41
AL N	18 06 45	66 03 07	0.000 kW	OM	51.2	44.1	
MM Docket #91-259 Reserved for WPRM-FM							

CH 254B1 SPACING STUDY

+ FACILITY MOVED TO NEW CHANNEL
PER MM DOCKET #91-259

* FACILITY TO BE MOVED AS PART
OF THIS INSTANT PETITION

EXHIBIT #2

PETITION FOR RULE MAKING
AURIO A. MATOS
WXZX RADIO STATION
ALLOT CHANNEL 254B1
CULEBRA, PUERTO RICO
August 1987

GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

**ALLOCATION STUDY FOR FREDERIKSTED, VIRGIN ISLAND
USING CHANNEL 253A ALLOCATION SITE AS REFERENCE**

REFERENCE	CLASS A	DISPLAY DATES
17 42 48 N		DATA 08-01-97
64 53 00 W	Current rules spacings	SEARCH 08-01-97
----- CHANNEL 248 - 97.5 MHz -----		

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
AD248	248A	Frederiksted	VI	0.0	0.00	115.0	-115.00
AD	17 42 48	64 53 00	0.000 kW	0M	0.0	71.5	
Proposed Allotment - Aurio A. Matos							
WVNX.C	246B	Charlotte Amalie	VI	12.8	71.34	69.0	2.34
CP CN	18 20 30	64 43 59	50.000 kW	391M	44.3	42.9	
Calypso Communications					BPH-870707MI		
>to Channel 297A - BMPH-970714ID							
WGODFM	250B	Charlotte Amalie	VI	353.0	71.78	69.0	2.78
LI CN	18 21 25	64 58 00	50.000 kW	475M	44.6	42.9	
Three Angels Corporation					BLH-800911AH		
>Grandfathered at 50KW ERP/475 Meters Haat							
CP247	247A	Rio Grande	PR	301.7	120.33	72.0	48.33
CP CN	18 16 46	65 51 12	0.800 kW	581M	74.8	44.8	
United Broadcasters Company					BPH-880816OW		

CH 248A SPACING STUDY

**EXHIBIT #3
PETITION FOR RULE MAKING
AURIO A. MATOS
WXZX RADIO STATION
ALLOT CHANNEL 254B1
CULEBRA, PUERTO RICO
August 1997**

GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

ALLOCATION STUDY FOR FREDERIKSTED, VIRGIN ISLAND
USING SKY BROADCASTING SITE AS REFERENCE

REFERENCE	CLASS A	DISPLAY DATES
17 41 44 N	Current rules spacings	DATA 08-01-97
64 52 57 W	CHANNEL 248 - 97.5 MHz	SEARCH 08-01-97

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
AD248	248A	Frederiksted	VI	0.0	0.00	115.0	-115.00
AD	17 41 44	64 52 57	0.000 kW	0M	0.0	71.5	
Proposed Allotment - Aurio A. Matos							
WVNX.C	246B	Charlotte Amalie	VI	12.4	73.24	69.0	4.24
CP CN	18 20 30	64 43 59	50.000 kW	391M	45.5	42.9	
Calypso Communications					BPH-870707MI		
>to Channel 297A - BMPH-970714ID							
WGODFM	250B	Charlotte Amalie	VI	353.1	73.74	69.0	4.74
LI CN	18 21 25	64 58 00	50.000 kW	475M	45.8	42.9	
Three Angels Corporation					BLH-800911AH		
>Grandfathered at 50KW ERP/475 Meters Haat							
CP247	247A	Rio Grande	PR	302.5	121.44	72.0	49.44
CP CN	18 16 46	65 51 12	0.800 kW	581M	75.5	44.8	
United Broadcasters Company					BPH-880816OW		

CLEARANCE STUDY FOR CH 248A

EXHIBIT #4
PETITION FOR RULE MAKING
AURIO A. MATOS
WXZX RADIO STATION
ALLOT CHANNEL 254B1
CULEBRA, PUERTO RICO
August 1997

GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

**PROPOSED ALLOCATION STUDY FOR MAYAGUEZ, PUERTO RICO
USING PRESENT SITE/CHANNEL 254B ALLOCATION SITE AS REFERENCE**

REFERENCE 18 09 05 N 66 59 19 W	CLASS B Current rules spacings CHANNEL 253 - 98.5 MHz	DISPLAY DATES DATA 08-01-97 SEARCH 08-01-97
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CALL TYPE	CH# LAT	CITY LNG	STATE FWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
ALOPEN 254B	Mayaguez		PR	0.0	0.00	169.0	-169.00
AL N	18 09 05	66 59 19	0.000 kW	OM	0.0	105.0	
MM Docket #91-259 Reserved for WKJB-FM							
+ WPRFM 253B	San Juan		PR	92.4	99.22	241.0	-141.78
LI CN	18 06 45	66 03 07	25.000 kW	582M	61.7	149.8	
Arso Radio Corporation				BLH-5837			
>to Channel 256B per MM Docket #91-259							
+ WQQZ 252A	Quebradillas		PR	358.3	26.70	113.0	-86.30
LI CN	18 23 33	66 59 46	3.000 kW	305M	16.6	70.2	
Jose J. Arzuaga				BLH-881019KA			
>to Channel 258A per MM Docket #91-259							
WKJB-FM 256B	Mayaguez		PR	0.0	0.00	74.0	-74.00
LI CN	18 09 05	66 59 19	25.000 kW	601M	0.0	46.0	
WKJB AM-FM, Inc.				BLH-850301KF			
>to Channel 254B per MM Docket							
* AP251 251A	Santa Isabel		PR	101.0	58.65	69.0	-10.35
AP ZCN	18 03 01	66 26 41	2.450 kW	132M	36.5	42.9	
Peace Broadcasting Network				950907MC			
* AP251 251A	Santa Isabel		PR	107.6	64.46	69.0	-4.54
AP CN	17 58 30	66 24 30	0.165 kW	53M	40.1	42.9	
New Impact Educational Broadcasting				950908MC			
>Commercial channel operating Educational-Untimely Filed							
ALOPEN 251A	Santa Isabel		PR	107.0	68.58	69.0	-0.42
AL N	17 58 12	66 22 09	0.000 kW	OM	42.6	42.9	
MM Docket #91-259							
AP251 251A	Santa Isabel		PR	106.4	69.03	69.0	0.03
AP CN	17 58 32	66 21 47	6.000 kW	39M	42.9	42.9	
S. I. Broadcasting				950901MB			
AP251 251A	Santa Isabel		PR	99.1	70.23	69.0	1.23
AP ZCN	18 03 00	66 20 01	6.000 kW	172M	43.7	42.9	
Amor Radio Group, Corp.				950907MD			
AP251 251A	Santa Isabel		PR	100.4	70.99	69.0	1.99
AP ZCN	18 02 05	66 19 45	6.000 kW	101M	44.1	42.9	
LA CARPA CORPORATION				950907MB			
WSAN.A 252A	Las Piedras		PR	81.9	127.49	113.0	14.49
AP CN	18 18 36	65 47 41	0.320 kW	851M	79.2	70.2	
Carlos J. Colon Ventura				BPH950807IG			
>From Channel 255B, Vieques, PR per D91-259-Amended 960726							

CH 253B ALLOCATION STUDY

+ FACILITY MOVED TO NEW CHANNEL
PER MM DOCKET #91-259

* APPLICATION VIOLATES SECTION 73.218
SEE FOOTNOTE #3 OF TEXT

EXHIBIT #5

**PETITION FOR RULE MAKING
AURIO A. MATOS
WXZZ RADIO STATION
ALLOT CHANNEL 254B1
CULEBRA, PUERTO RICO
August 1997**

GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

**PRESENT CLEARANCE STUDY FOR WKJB MAYAGUEZ, PUERTO RICO
USING PRESENT SITE/CHANNEL 254B ALLOCATION SITE AS REFERENCE**

REFERENCE	CLASS B	DISPLAY DATES
18 09 05 N	Current rules spacings	DATA 08-01-97
66 59 19 W	CHANNEL 254 - 98.7 MHz	SEARCH 08-01-97

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-M1	R-KM R-M1	MARGIN (KM)
ALOPEN	254B	Mayaguez	PR	0.0	0.00	241.0	-241.00
AL N	18 09 05	66 59 19	0.000 kW	OM	0.0	149.8	
MM Docket #91-259 Reserved for WKJB-FM							
WKJBFM	256B	Mayaguez	PR	0.0	0.00	74.0	-74.00
LI CN	18 09 05	66 59 19	25.000 kW	601M	0.0	46.0	
WKJB Am-FM, Inc. BLH850301KP							
>to Channel 254B							
+ WPRMFM	253B	San Juan	PR	92.4	99.22	169.0	-69.78
LI CN	18 06 45	66 03 07	25.000 kW	582M	61.7	105.0	
Arso Radio Corporation BLH5837							
>to Channel 256B per MM Docket #91-259							
+ WQQZ	252A	Quebradillas	PR	358.3	26.70	69.0	-42.30
LI CN	18 23 33	66 59 46	3.000 kW	305M	16.6	42.9	
Jose J. Arzuaga BLH881019KA							
>to Channel 258A per MM Docket# 91-259							
* AP251	251A	Santa Isabel	PR	101.0	58.65	69.0	-10.35
AP ZCN	18 03 01	66 26 41	2.450 kW	132M	36.5	42.9	
Peace Broadcasting Network 950907MC							
* AP251	251A	Santa Isabel	PR	107.6	64.46	69.0	-4.54
AP CN	17 58 30	66 24 30	0.165 kW	53M	40.1	42.9	
New Impact Educational Broadcasting 950908MC							
>Commercial channel operating Educational-Untimely Filed							
ALOPEN	251A	Santa Isabel	PR	107.0	68.58	69.0	-0.42
AL N	17 58 12	66 22 09	0.000 kW	OM	42.6	42.9	
MM Docket #91-259							
AP251	251A	Santa Isabel	PR	106.4	69.03	69.0	0.03
AP CN	17 58 32	66 21 47	6.000 kW	39M	42.9	42.9	
S. I. Broadcasting 950901MB							
AP251	251A	Santa Isabel	PR	99.1	70.23	69.0	1.23
AP ZCN	18 03 00	66 20 01	6.000 kW	172M	43.7	42.9	
Amor Radio Group, Corp. 950907MD							
ALOPEN	254A	Culebra	PR	84.3	179.24	178.0	1.24
AL N	18 18 18	65 18 06	0.000 kW	OM	111.4	110.6	
MM Docket# 91-259 Reserved for WXZX							
AP251	251A	Santa Isabel	PR	100.4	70.99	69.0	1.99
AP ZCN	18 02 05	66 19 45	6.000 kW	101M	44.1	42.9	
LA CARPA CORPORATION 950907MB							

WKJB-FM PRESENT SPACING

- + FACILITY MOVED TO NEW CHANNEL
PER MM DOCKET #91-259
- * APPLICATION VIOLATES SECTION 73.215
SEE FOOTNOTE #3 OF TEXT

EXHIBIT #6

**PETITION FOR RULE MAKING
AURIO A. MATOS
WXZX RADIO STATION
ALLOT CHANNEL 254B1
CULEBRA, PUERTO RICO
August 1987**

GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

AFFIDAVIT AND QUALIFICATIONS OF CONSULTANT

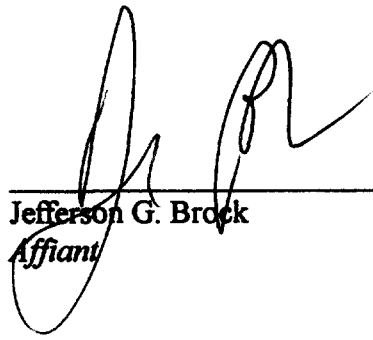
State of Georgia)
St. Simons Island) ss:
County of Glynn)

JEFFERSON G. BROCK, being duly sworn, deposes and says that he is an officer of Graham Brock, Inc. Graham Brock has been engaged by Aurio A. Matos, permittee of Radio Station WXZX, to prepare the attached Technical Exhibit.

His qualifications are a matter of record before the Federal Communications Commission. He has been active in Broadcast Engineering since 1979.

The attached report was either prepared by him or under his direction and all material and exhibits attached hereto are believed to be true and correct.

This the 4th day of August, 1997.



Jefferson G. Brock
Affiant

*Sworn to and subscribed before me
this the 4th day of August, 1997*



Notary Public, State of Georgia
My Commission Expires: September 12, 1999